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JAMES BONINI  
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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America

:

Plaintiff,

:

Case No. C-1-02-352

vs.

:

Judge Sandra S. Beckwith  
Magistrate Judge Jack Sherman Jr.

6016 Ridgeacres Drive, *et al.*

:

ANSWER

Defendants.

:

NOW COMES Mary A. Calloway ("Calloway"), as owner and possessor of Defendant 1 the Real Property known and numbered as 6016 Ridgeacres Drive, Unit C-4, Cincinnati, Ohio and Defendant 2 One Thousand Four Hundred Fifty dollars (\$1450.00), by and through counsel, and for her Answer to the United States of America's ("Plaintiff") Complaint hereby states as follows:

FIRST DEFENSE

1. The allegations contained in Paragraph 1 of the Complaint are a legal conclusion and, therefore, require no response from Calloway. To the extent that said allegations require a response, Calloway denies same.

2. The allegations contained in Paragraph 2 of the Complaint are a legal conclusion and, therefore, require no response from Calloway. To the extent that said allegations require a response, Calloway denies same.

3. Calloway admits the allegations in Paragraph 3 of the Complaint.

4. Calloway admits the allegations in Paragraph 4 of the Complaint, except that Calloway states that she and Fred Calloway are the owners of Defendant 1, 6101B Ridgeacres Drive, Cincinnati, Ohio 45237.

5. Calloway admits the allegations in Paragraph 5 of the Complaint.

6. Calloway admits the allegations in Paragraph 6 of the Complaint.

7. Calloway admits that Defendant 1 is located within the jurisdiction of this Court, and is likely to remain with this Court's jurisdiction during the pendency of this Action. Calloway has no knowledge of the whereabouts of Defendant 2, and therefore, denies the remaining allegations contained in Paragraph 7 of the Complaint.

8. Calloway admits that she was convicted on two felony counts of aggravated trafficking of a controlled substance, and sentenced to serve ninety (90) days in the Pathways rehabilitation facility, and three years probation.

9. Calloway is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and therefore, denies same.

10. Calloway is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and therefore, denies same.

11. Calloway is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and therefore, denies same.

12. Calloway denies the allegations contained in Paragraph 12 of the Complaint.

#### SECOND DEFENSE

13. The Complaint fails to state a claim upon which relief may be granted.

#### THIRD DEFENSE

14. Plaintiff failed to join all necessary parties as required by Federal Rule of Civil Procedure 19(a).

#### FOURTH DEFENSE

15. Defendants were not used to commit or facilitate a criminal activity, nor were they

ever intended to be used in that regard, and are therefore, not subject to forfeiture under U.S.C. §§ 881(a)(6), 881(a)(7), or any other law that Plaintiff may claim is applies to the allegations contained in the Complaint.

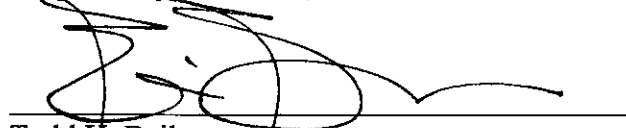
FIFTH DEFENSE

16. Calloway will rely upon all defenses which become available during discovery or due to a change in law.

WHEREFORE, Mary A. Calloway prays for relief as follows:

1. Dismissal of the Complaint, with prejudice;
2. Its costs incurred in the defense of this action; and
3. For such other and further relief to which she may otherwise appear entitled.

Respectfully submitted,



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Attorneys for Mary A. Calloway

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Answer has been served by regular U.S. mail, postage prepaid, to:

Kathleen M. Brinkman, Esq.  
Assistant United States Attorney  
221 East Fourth Street, Suite 400  
Cincinnati, Ohio 45202

on the 26th day of November, 2003.

  
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Attorney for Mary A. Calloway